IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

SATURDAY, THE EIGHTH DAY OFJUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO : 15349 of 2000

Between:

M/s. Techno Constructions, Rep. by Managing Director Sri M. Mukund Reddy,
402, Santhoshi Apts., Jyothi Colony-ADC Main Gate,
Secunderabad.

..... PETITIONER

AND

1 Chief Engineer/C-I, South Central Railway,
Rail Nilayam, Mettuguda,
Secunderabad.
2 Commercial Tax Officer, Jubilee Hills Circle,
Hyderbad

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction particularly one in the nature of Writ of Mandamus directing the 1st respondent to deduct tax under Section 5H of the APGST Act at 1% on 70% of the bill amount or to pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.S.KRISHNA MURTHY

Counsel for the Respondent No.: SPL GP FOR TAXES

The Court made the following :

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O r d e r: (Per BRSR, J)

The interim order granted by this Court has worked out itself in favour of the petitioner requiring any further adjudication in this writ petition.

However, the interim order granted by this Court directing the respondents herein to deduct TDS only at the rate of 1 per cent shall not preclude the department to proceed against the petitioner in case if it is found that further amounts are liable to be paid by the petitioner towards the tax.

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B.Sudershan Reddy, J.

8th June, 2005

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Ramesh Ranganathan, J.

Grr

Copies to:

1 Chief Engineer/C-I, South Central Railway,
Rail Nilayam, Mettuguda,
Secunderabad.
2 Commercial Tax Officer, Jubilee Hills Circle,
Hyderbad

3. Sri S.Krishna Murthy, Advocate (OPUC)

4. The Special Govt. Pleader for taxes, High Court of A.P. (OPUC)